

August 11, 2023

Attn: East Waterway Proposed Plan  
US EPA Region 10  
1200 6<sup>th</sup> Avenue, Suite 155  
Superfund Records Center, MS: 17-CO04-1  
Seattle, WA 98101

Re: Comments on Superfund Proposed Plan for East Waterway Operable Unit of  
Harbor Island Superfund Site

To Laura Knudsen, and EPA project management staff:

The following are the comments of the General Electric Company on EPA's Proposed Plan ("Plan") for the East Waterway operable unit of the Harbor Island Superfund Site ("Site").

1. Interim Remedy. An interim remedy decision is inappropriate and will impair efforts to complete cleanup of the Site. Implementing interim remedial actions followed by final remedial actions will be inefficient, overly expensive, and result in a needlessly lengthy cleanup project over decades.
2. Inappropriate Aspirational Remedial Targets. EPA's goal of meeting non-urban background levels is unachievable. It will reinforce unrealistic expectations for cleanup in the public domain. It is inconsistent with EPA's guidance that contemplates the use of urban background as the remedial target in industrial waterways. No explanation for the deviation from EPA's applicable guidance has been offered.
3. Failure to Select Cleanup Levels. EPA should not delay determination of cleanup levels. The East Waterway Group has provided EPA with reliable data regarding regional background levels. EPA should accept that data, set appropriate regional background levels, and use that data to determine what cleanup can actually be achieved at the Site.
4. Inefficient Multi-Stage Dredging Plan. Committing to a 2 or 3 stage dredging program is unnecessary and will be unduly expensive. The Port and the Corps have plans to dredge the East Waterway to 57 feet MLLW in addition to the dredging being proposed for the remedial action. If a dredging program is undertaken, it should be

August 11, 2023

Page 2

done as a single event, in the most efficient and complete manner and should target permanent, achievable cleanup standards. Also, the dredging should not be conducted until source control is in place in the Lower Duwamish Waterway and the East Waterway (see #6).

5. Sediment Modeling Is Not an Accurate Forecast of Contaminant Flow into the East Waterway. The sediment transport modeling conducted for the Site has been only minimally calibrated and appears to be significantly inaccurate and dated. EPA's Plan suggests that contaminant in-flow from the Duwamish has been minimal to nonexistent. The modeling does not support this interpretation, nor can EPA presume that upstream sources have been adequately remediated and controlled.
6. Lack of Demonstration of Adequate Source Control. EPA states, without substantiation, that ongoing contaminant sources (including from upland sites) are "minor", suggests that other historical contaminant sources have been effectively controlled, and does not include source control as part of the cleanup process. The Plan also states that recontamination has occurred following interim remedial work performed at the Site. The lack of connection between these assertions is not explained or even addressed.
7. Technical Impracticability Waiver. EPA should make a technical impracticability waiver determination now. EPA has the information necessary to determine that the Site cannot and will not achieve non-urban background levels. EPA should not allow the public to be misled into thinking that non-urban background will be achieved.
8. No Action Alternative Has Not Been Adequately Evaluated. The Plan dismisses the "No Action" alternative without any rigorous analysis. If the Waterway is dredged to clean depths - - at 57 feet MLLW - - by the Corps and Port, what impact would that action have on achieving remedial action levels or cleanup levels? How would such a "no action" alternative compare to the selected alternative in terms of risk reduction and protectivity?
9. Risk Estimates Are Not Realistic, and Do Not Demonstrate the Need for the Proposed Remedy. Risk estimates in EPA's risk assessments for the Site were predicated on excessively conservative assumptions. These assumptions do not conform to best practices and EPA's risk assessment guidance, which recommends that assumptions should define exposures that can reasonably be expected to occur. Examples of these overly conservative assumptions include using hypothetical exposures for fish consumption, adopting inflated hypothetical consumption rates that are not confirmed by Site-specific data, and overestimating the hazards associated with very limited direct exposure to contaminants present in the sediments. Actual exposures to chemicals in the East Waterway are much lower than those estimated in the risk

August 11, 2023

Page 3

assessment. If more representative exposures were used, potential risk could be addressed more efficiently and expeditiously in the remedial context.

Thank you for your attention to these matters. Please let us know if you have any questions about these comments.

Sincerely,



Beveridge & Diamond

By: Loren R. Dunn